

**Before the State of South Carolina
Department of Insurance**

In the matter of:

SCDOI File Number 2003-120124

James Holmes Jr.
119 Pearl Street
Darlington, South Carolina 29532

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and James Holmes, Jr., a licensed South Carolina surety bail bondsman.

Upon review of this matter, I hereby find as fact that, on or about the month of November 2003, Mr. Holmes used the services of one Seelam Yubar Jones for the purpose of conducting activities of surveillance, without Mr. Jones being authorized to do so. Mr. Holmes admits this allegation and contends his conduct resulted from inadvertence of the specific rules and regulations that apply to the functions of a "runner," and not from any intent to avoid the requirements of the law.

The parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal administrative proceeding. The consensual recommendation was that Mr. Holmes would immediately pay an administrative penalty in the amount of \$1,500.00. This is the minimum fine that can be applied by law.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that James Holmes, Jr., of Holmes Bail Bonding had violated Sections 38-53-80 and 38-43-130 (Supp. 2002) of the South Carolina Code of Administrative Laws. As a result, I can now take administrative disciplinary action against his surety bail bondsman's license. However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2) (Supp. 2002) and carefully considering the recommendation of the parties, I hereby impose against James Holmes an administrative penalty in the amount of \$1,500.00 dollars. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that fine is not timely paid, his resident surety bail bondsman's license will be immediately revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of Mr. Holmes' assurance that in the future he will fully comply with the Insurance Laws of South Carolina.

This penalty includes all expenses related to the investigation of this matter as provided in § 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and

understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By his signature upon this consent order, Mr. Holmes acknowledges this administrative order as a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2002) of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that James Holmes shall, within ten days of the date of my signature on this consent order, pay through the South Carolina Department of Insurance an administrative penalty in the amount of \$1,500.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Holmes' file.

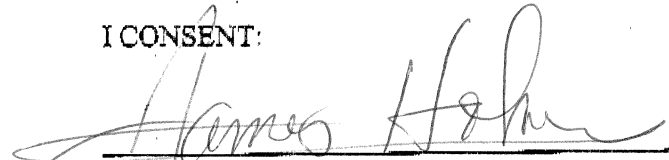
This consent order becomes effective as of the date of my signature below.


A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

March 16, 2004
Columbia, South Carolina

I CONSENT:


Signature


Printed Name


Title

Holmes Bail Bonding
119 Pearl St.
Darlington, South Carolina 29532.

Dated this 9th day of MARCH, 2004.